IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Crl. Rev. Pet.No. 544 of 2007()

CC.346/2003 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOCHI
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REVN. PETITIONER: COMPLAINANT

M/S.HINDUSTAN LUBRICANTS CO.PVT.LTD.,
REGISTERED OFFICE, IIND FLOOR, CORPORATION BUS STAND BUILDING, KALOOR, ERNAKULAM-682 017,
A LIMITED COMPANY, REPRESENTED BY ITS DULY AUTHORISED REPRESENTATIVE MR.SIYAM BASHEER,
AREA SALES MANAGER OF THE COMPANY.

BY ADV. SRI.A.K.SRINIVASAN
SRI.N.S.MOHAMMED USMAN

RESPONDENTS: ACCUSED AND STATE

1. M/S.QWAIT OIL AGENCIES,
5, SATYAJEET CO-OPERATIVE HOUSING SOCIETY,
OPP.WATER TANK, MAHATMA NAGAR, NASHIK-422 007,
REPRESENTED BY PARTNER MR.SATYENDRA JHA.

2. MR.SATYENDRA JHA, PARTNER,
M/S.QWAIT OIL AGENCIES,
5, SATYAJEET CO-OPERATIVE HOUSING SOCIETY,
OPP.WATER TANK, MAHATMA NAGAR, NASHIK-422 007.

3. MR.BIRENDRA JHA, PARTNER,
M/S.QWAIT OIL AGENCIES,
5, SATYAJEET CO-OPERATIVE HOUSING SOCIETY,
OPP.WATER TANK, MAHATMA NAGAR, NASHIK-422 007.

4. STATE OF KERALA, REPRESENTED BY
LEARNED PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 544 OF 2007

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Dated this the 7th day of February 2007

O R D E R

The Revision Petitioner is the complainant who had initiated proceedings with respect to the offence under section 138 of the Negotiable Instruments Act. The same was dismissed by the court below and the accused has discharged under section 204(4) Cr.P.C on the ground that the complainant failed to take steps as ordered. According to the petitioner, he had taken the required steps and produced the stamps. According to him, he had handed over the stamped covers to the bench clerk of the court. The same was not brought to the notice of the court. I find that it is only just to provide an opportunity to further proceed with the matter. The order of the court below is set aside and the court below is directed to permit the petitioner to further pursue the case. The revision petitioner shall appear before the court below on **27.07.2007**.

The Crl. R.P is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

RV